

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEPHEN GRANUCCI,

Plaintiff,

v.

UNITED STATES POSTAL SERVICE.,

Defendant.

Case No. 1:22-cv-01483-CDB

ORDER TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT BE IMPOSED
FOR PLAINTIFF'S FAILURE TO COMPLY
WITH THE COURT'S ORDERS

ORDER RESETTING THE MANDATORY
SCHEDULING CONFERENCE

TEN-DAY DEADLINE

Plaintiff commenced this action with the filing of a complaint in Kern County Superior Court on October 28, 2022, which was removed by Defendant to this Court on November 17, 2022. (ECF No. 1). On the same day, the Clerk of Court issued new case documents including a summons and magistrate judge jurisdiction consent/decline forms. (ECF No. 2). The Clerk of Court also set a mandatory scheduling conference on February 13, 2023. *Id.* The Initial Scheduling Order (*id.*) required the parties to return completed jurisdiction consent/decline forms within 14 days of removal of the action (*e.g.*, on or before December 1, 2022); however, as of the date of this Order, Plaintiff has failed to file a completed consent/decline form pursuant to the Court's instructions.

Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these

Rules or with any order of the Court may be grounds for imposition by the Court of any and all sanctions . . . within the inherent power of the Court.” The Court has the inherent power to control its docket and may, in the exercise of that power, impose sanctions where appropriate, including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir. 2000).

Based on the foregoing, IT IS HEREBY ORDERED, not later than **January 17, 2023**, Plaintiff SHALL show cause in writing why sanctions should not be imposed for his failure to comply with the Court’s order. Alternatively, Plaintiff may file a completed jurisdiction consent/decline form on or before January 17, 2023.

IT IS FURTHER ORDERED, given that Defendant’s Motion to Dismiss (ECF No. 5) remains pending, that the mandatory scheduling conference set for February 13, 2023, is VACATED and rescheduled for **May 8, 2023, at 10:00 a.m.**

The Court notes that Plaintiff has not timely filed a response to Defendant’s Motion to Dismiss and directs Plaintiff’s attention to Local Rule 230(c), which provides: “A failure to file a timely opposition may also be construed by the Court as a non-opposition to the motion.”

Plaintiff is advised that failure to respond to this Order to Show Cause may result in dismissal of this action.

IT IS SO ORDERED.

Dated: **January 4, 2023**


UNITED STATES MAGISTRATE JUDGE